

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 23 JAN 2001

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Applicant's or agent's file reference 2740-0001.41	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/16549	International filing date (day/month/year) 22 JULY 1999	Priority date (day/month/year) 23 JULY 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): A01N 65/00 and US Cl.: 435/195.1		
Applicant CREAGRI, INC.		

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- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

- This report contains indications relating to the following items:

- ☒ Basis of the report
- ☐ Priority
- ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- ☐ Lack of unity of invention
- ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Certain documents cited
- ☐ Certain defects in the international application
- ☐ Certain observations on the international application

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Date of submission of the demand 08 FEBRUARY 2000	Date of completion of this report 11 DECEMBER 2000
Name and mailing address of the IPEA US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <i>Dorthea Lawrence</i> DR. HERBERT J. LILLING
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0196

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/16549

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☒ the description:
pages 1-6 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the claims:
pages 7-8 , as originally filed
pages NONE , as amended (together with any statement) under Article 19
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the drawings:
pages NONE , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the sequence listing part of the description:
pages NONE , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets 4-6 ~~4-6~~ NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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PCT/US99/16549

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-12</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-12</u>	NO
Industrial Applicability (IA)	Claims	<u>1-12</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-12 lack novelty under PCT Article 33(2) as being anticipated by Briccoli et al.

Claims 1-12 lack novelty under PCT Article 33(2) as being anticipated by Amalfitano.

Claims 1-2 and 8 lack novelty under PCT Article 33(2) as being anticipated by Georgoudis.

Claims 3-7 and 9-12 lack an inventive step under PCT Article 33(3) as being obvious over Georgoudis in view of Amalfitano or Briccoli et al. It would have been prima facie obvious to modify Georgoudis to evaporate the water by either passing air over the mixture or concentrated by the method of Amalfitano. In addition, based on the teachings of Limiroli et al that the vegetation water inherently contains oleuropein, it would have been prima facie obvious that the dried products of Georgoudis or Amalfitano would be useful as a food supplement.

Claims 1-12 meet industrial applicability as defined by PCT Article 33(4).

----- NEW CITATIONS -----

EP 0 295 722 A (BRICCOLI et al) 21 DECEMBER 1988. see abstract.

WO 97/28089 A1 (GEORGOUDIS) 07 AUGUST 1997, see whole disclosure.

Database Medline. Accession Number 1992 (16): 116698, Amalfitano, G., Recovery and purification treatments of water coming from olive oil extraction processes. Conference : Energy innovation and the agro-food industry. 21-23 March 1990. Amiens. France pages 145-150.

(Continued on Supplemental Sheet.)

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

Database Medline, Accession Number 97(01):J0083, Limioli et al. ¹H NMR study of phenolics in the vegetation water of three cultivars of *Olea europaea*: similarities and differences. *Journal of Agricultural and Food Chemistry*. 1996, Vol. 44, No. 8, pages 2040-2048.